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# Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 L-02 JUSE-00 SCCT-01 SY-04 CIAE-00

INR-07 NSAE-00 TRSE-00 MC-02 SS-15 NSC-05 PRS-01 /048 W
---------- 124220
R 111705Z FEB 75
FM AMEMBASSY PORT AU PRINCE
TO SECSTATE WASHDC 9252

C O F N F I D E N T I A L PORT AU PRINCE 322

E. O. 11652: GDS
TAGS: PFOR, PINS, HA
SUBJECT: URIBASTERRA INVESTIGATION: WITNESS KERNISAN

REF: (A) STATE 27852; (B) PORT-AU-PRINCE 291

1. AS DEPARTMENT, JUSTICE AND BATF NOW AWARE, AS RESULT OF JURY'S DECISION JAN 25 TO ACQUIT BERNARD SANSARICQ, GOH NOW EVEN MORE RELUCTANT THAN BEFORE TO INVOLVE ITS OFFICIALS IN US COURT TRIALS (REFTEL (B)). OUR NEXT REQUEST FOR GOH COOPERATION OF THIS NATURE WILL BE DELICATE, DESPITE PRESUMPTION THAT GOH OUGHT TO BE INTERESTED IN FURTHER ATTEMPTS TO PROSECUTE.

2. ACCORDINGLY, WE ARE CONCERNED ABOUT RISKS OF THE PIECEMEAL APPROACH IMPLICIT IN A REQUEST, UNACCOMPANIED BY OTHER MOVES, TO HAVE KERNISAN APPEAR BEFORE A GRAND JURY. FURTHER, WE ARE DISTURBED BY KERNISAN'S HISTORY OF EXTREME NERVOUSNESS DURING LOW-KEY INVESTIGATIVE INTERVIEWS, TO THE POINT THAT HE REPEATEDLY MISUNDERSTOOD SIMPLE QUESTIONS PUT TO HIM IN CREOLE. WE HOPE SOME WAY CAN BE FOUND TO AVOID MAKING HIM THE LITMUS TEST OF FURTHER GOH-USG COOPERATION ON ANTI-TERRORISM ACTIVITIES.

3. WE FULLY APPRICIATE JUSTICE'S DESIRE TO TAKE EXTREME CARE TO HAVE SOLID EVIDENCE FOR PRESENTATION TO A JURY, AND ARE MOST GRATEFUL FOR THE CAREFUL AND THOUGHTFUL PREPARATORY WORK BEING DONE BY BATF INVESTIGATORS AND JUSTICE ATTORNEYS. WE BELIEVE, MOREOVER, THAT THE GOH UNDERSTANDS THE REASONS FOR THIS CAUTION, AND IS PREPARED FOR THE RENEWED SEARCH FOR EVIDENCE CONCERNING
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URBASTERRA TO BE SOMEWHAT TIME-CONSUMING. IN FACT, WE ESTIMATE

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THAT MOOD OF SENIOR GOH OFFICIALS WILL BE SOMEWHAT MORE COOPERATIVE
AFTER A LITTLE MORE TIME HAS PASSED FOLLOWING DISAPPOINTMENT OF
SANSARICQ TRIAL.

4. RECOMMENDATION - WE BELIEVE IT WOULD BE PREFERABLE AT THE
OUTSET TO GIVE THE GOH A COMPLETE LIST OF POTENTIAL HAITIAN
WITNESSES NEEDED IN CONNECTION WITH ANY PROSECUTION ARISING
FROM THE JUNE 1 AIRPORT EXPLOSION. TO HELP CONVINCE THE GOH THAT
IT SHOULD MAKE THESE WITNESSES AVAILABLE, THE LIST SHOULD PROVIDE
A JUSTIFICATION FOR EACH WITNESS' APPEARANCE IN TERMS
OF THE FACTUAL CONTENTIONS THE PRESECUTION MUST PROVE. IN THE
CASE OF KERNISAN, WE WOULD WANT TO PRECLUDE THE POSSIBILITY
THAT THE GOH MIGHT CONCLUDE AFTER THE FACT THAT KENISAN HAD BEEN
BROUGHT TO MIAMI EITHER TO FACE HOSTILE USG INTERROGATION OR SOMEHOW
TO BECOME THE REASON FOR DISCONTINUING THE USG EFFORT TO CONVICT
URBASTERRA. ACCORDINGLY, WE RECOMMEND THAT THE DEPARTMENT
PROVIDE A FRANK APPRAISAL, WHICH WE COULD GIVE TO THE GOH,
EXPAINING WHY KERNISAN'S APPEARANCE BEFORE GRAND JURY IS NECESSARY.

5. MEANWHILE, WE CONTINUE TO BELIEVE AN ASSESSMENT OF THE VALUE
OF COL. ACHILLE'S TESTIMONY IN U.S. VS. SANSARICQ WOULD BE
VERY USEFUL (REFTEL (B), PARA 5). WE WOULD PASS IT TO SKEPTICAL
GOH LEADERS IN ORDER TO PREPARE THE WAY FOR KERNISAN AND OTHERS.
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**To:** STATE
**Type:** TE
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